

**REMARKS**

In the Office Action the Examiner first acknowledged applicant's election, and the withdrawal of Claims 11, 12 and 15-50 without prejudice.

Next, the Examiner rejected Claims 1, 2, 4-6, 8, 9, 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by Jungkind (US 6,138,385) and Claims 51, 52, 54-56, 58, 59, 61 and 62 under 35 U.S.C. § 103(a) as being unpatentable over Smith (US 2,112,052) in view of Jungkind. Notwithstanding, the Examiner advised that Claims 3, 7, 10, 53, 57 and 60 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although applicants disagree with the rejections under 35 U.S.C. §§ 102(b) and 103(a), applicants have amended the claims to accept the allowable subject matter cited by the Examiner. In keeping, Claim 1 has been amended to include the limitations of Claim 3 and Claim 51 has been amended to include the limitations of Claim 53. Therefore, Claims 1 and 51, including the claims which depend from Claims 1 and 51, are believed to be proper for allowance.

In this regard, the limitation referred to relates to the openings through the intermediate portion being deployed to provide a latticework pattern. Significantly, latticework is defined as, *inter alia*, "an open crisscross pattern or weave" (see, latticework. Dictionary.com. *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. <http://dictionary.reference.com/browse/latticework> (accessed: March 12, 2009), copy attached).

Claims 1 and 51 have also been amended to more clearly define the invention by including the term "sole" before the term "layer" where previously missing. Although this amendment is not believed to be necessary to the claims, since the sole layer is the only layer referred to in the claims, it is believed to make the claims clear and consistent.

Additionally, applicants have added new independent Claims 63 and 71, corresponding to allowable Claims 7 and 57 respectively. These new claims consist of the subject matter of previously presented and allowable Claims 7 and 57, rewritten in

independent form including all of the limitations of the base claims and the intervening claims. New Claims 64-70 and 72-78, depending from new Claims 63 and 71 respectively, correspond to the subject matter of original Claims 2, 4, 6, 9, 10, 13 and 14. As such, they too are believed to be in proper form for allowance.

Applicants have also added new Claims 79 and 80, corresponding to allowable Claims 10 and 60 respectively. These new claims consist of the subject matter of previously presented and allowable Claims 10 and 60, rewritten in independent form including all of the limitations of the base claims and the intervening claims. As such, these claims are likewise believed to be in proper form for allowance.

Upon entry of the above amendments, the present application consists of a total of 40 claims, including 6 independent claims. Since applicants had previously paid for a total of 50 claims and 6 independent claims, no fees are believed to be due in connection with this amendment. Notwithstanding, the Director is hereby authorized to charge any fees necessary in connection with this paper to Deposit Account 08-1540.

In light of the above, applicants respectfully submit that all of the pending claims are patentable over the cited prior art and that the application is in proper form for allowance. A notice of allowance including all pending claims is therefore respectfully requested and earnestly solicited.

Respectfully submitted,

/kenneth f. florek/

Kenneth F. Florek  
Reg. No. 33,173

CONTACT INFORMATION

Hedman & Costigan, P.C.  
1185 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 302-8989  
Facsimile: (212) 302-8998  
Email: [ipdocket@hgcpatent.com](mailto:ipdocket@hgcpatent.com)